

Notice of Allowability		Applicant(s) BLAKEMORE ET AL.
Application No. 09/781,842	Examiner Daniel S. Metzmaier	Art Unit 1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to amendment filed July 23, 2004 and the interview of September 27, 2004.

☒ The allowed claim(s) is/are 23,33-38,40,42,44-51,53 and 54.

☐ The drawings filed on _____ are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be labeled as such in the header according to 37 CFR 1.121(d). each sheet. Replacement sheet(s) should be written on the drawings in the front (not the back) of

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),

Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit

of Biological Material

8. ☒ Examiner's Statement of Reasons for Allowance

7. ☒ Examiner's Amendment/Comment
 Paper No./Mail Date 9/27 & 28/2004.

6. ☒ Interview Summary (PTO-413),
 Paper No./Mail Date 9/27 & 28/2004.

9. ☐ Other _____

S.C.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
Authorization for this examiner's amendment was given in a telephone interview with Frank J. Uxa on September 27 & 28, 2004.
The application has been amended as follows:
The amendment to the claims begins at page 3 of this amendment.
The amendment to the drawings is set forth on the next page, page 9.

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

1-22. (Cancelled)

23. (Currently amended) A controlled release additive

composition for use in an open circulating cooling water system comprising:

a solid, granular, or particulate core comprising an

additive component effective as a water treatment in an open

circulating cooling water system; and

a coating substantially surrounding the core and

effective to slow the release of the additive component into the

open circulating cooling water system, the coating being

insoluble in the open circulating cooling water system and

including a copolymer made up of about 45% to about 95% by

weight of units which are from vinylacetate and about 5% to

about 55% by weight of units which are from vinylversate.

24-32. (Cancelled)

33. (Previously presented) The controlled release

additive composition of claim 23, wherein the weight percent of

the coating is about 1% to about 40% based on the total weight

of the controlled release additive composition.

34. (Previously presented) The controlled release

additive composition of claim 23, wherein the weight percent of

the coating is about 3% to about 15% based on the total weight of the controlled release additive composition.

35. (Previously presented) The controlled release additive composition of claim 23, wherein the weight percent of the coating is about 4% to about 10% based on the total weight of the controlled release additive composition.

36. (Previously presented) The controlled release additive composition of claim 23, wherein said core further comprises an amount of a binder sufficient to maintain said core in the form of a tablet or pellet.

37. (Previously presented) The controlled release additive composition of claim 23, wherein said core further comprises a die release agent.

38. (Currently amended) A controlled release additive composition for use in an open circulating cooling water system, the composition comprising:

a solid, granular, or particulate core comprising an additive component effective as a water treatment in an aqueous coolant of an open circulating cooling water system; and

a coating substantially surrounding the core and effective to slow the release of the additive component into an aqueous coolant in the open circulating cooling water system, the coating being insoluble in the aqueous coolant in the open circulating cooling water system, and including a copolymer including units obtained from only two different monomers, one of the two monomers being vinylversate.

39. (Cancelled)

40. (Currently amended) The controlled release additive composition of ~~claim 39~~ claim 38, wherein the copolymer includes units from vinylacetate.

41. (Cancelled)

42. (Currently amended) The controlled release additive composition of ~~claim 39~~ claim 38, wherein the copolymer includes about 45% to about 95% by weight of units obtained from one of the monomers and about 5% to about 55% by weight of units obtained from vinylversatate ~~obtained from the other monomer.~~

43. (Cancelled)

44. (Currently amended) The controlled release additive composition of ~~claim 39~~ claim 38, wherein the coating is about 1% to about 40% based on the total weight of the composition.

45. (Previously presented) The controlled release additive composition of claim 38, wherein said additive component includes a microbiocide effective in the open circulating cooling water system.

46. (Previously presented) A method of releasing an additive composition into an open circulating cooling water system comprising placing the controlled release additive composition of claim 23 in contact with an aqueous coolant present in an open circulating cooling water system.

47. (Currently amended) A method of releasing an additive composition into an open circulating cooling water system

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comprising placing a controlled release additive composition in contact with an aqueous coolant present in an open circulating cooling water system, the controlled release additive composition comprising

a core comprising an additive component effective as a water treatment in an aqueous coolant of an open circulating cooling water system; and

a coating substantially surrounding the core and effective to slow the release of the additive component into an aqueous coolant in the open circulating cooling water system, the coating being insoluble in the aqueous coolant in the open circulating cooling water system, and including a copolymer including units obtained from only two different monomers, one of the two monomers being vinylversatate.

48. (Currently amended) A method of releasing an additive composition into an open circulating cooling water system of a cooling tower comprising

placing a controlled release additive composition in contact with an aqueous coolant present in an open circulating cooling water system of a cooling tower, the controlled release additive composition comprising

a core comprising an additive component effective as a water treatment in an aqueous coolant of the open circulating cooling water system of the cooling tower; and

a coating substantially surrounding the core and effective to slow the release of the additive component into the aqueous coolant in the open circulating cooling water system, the coating being insoluble in the aqueous coolant in the open circulating cooling water system of the cooling tower, and including a copolymer made up of about 45% to about 95% by

weight of units which are from vinylacetate and about 5% to about 55% by weight of units which are from vinylversatate.

49. (Previously presented) The method of claim 48, further comprising adding a microbiocide to the additive component of the core before placing the controlled release additive composition in the open circulating cooling water system.

50. (Currently amended) A method of releasing an additive composition into an open circulating cooling water system of a cooling tower comprising:

placing a controlled release additive composition in contact with an aqueous coolant present in an open circulating cooling water system of a cooling tower, the controlled release additive composition comprising a core comprising an additive component effective as a water treatment in an aqueous coolant of the open circulating cooling water system of the cooling tower; and a coating substantially surrounding the core and effective to slow the release of the additive component into the aqueous coolant in the open circulating cooling water system, the coating being insoluble in the aqueous coolant in the open circulating cooling water system of the cooling tower and including a copolymer made up of about 45% to about 95% by weight of units which are from vinylacetate and about 5% to about 55% by weight of units which are from vinylversatate; and

adding a microbiocide to the open circulating cooling water system of the cooling tower.

51. (Previously presented) The method of claim 50, wherein the microbiocide is added to the open circulating

cooling water system with the controlled release additive composition.

52. (Cancelled).

53. (Previously presented) The method of claim 50, wherein the coating of the composition is insoluble over a temperature range of about 70 degrees Fahrenheit to about 150 degrees Fahrenheit.

54. (Previously presented) The controlled release additive composition of claim 23, wherein the core includes a microbiocide.

Amendments to the drawings

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant:

Cancel all pending drawing sheets including 1-4, Fig. 1 to Fig. 5, filed October 9, 2002.

Reasons for allowance

3. The following is an examiner's statement of reasons for allowance: applicants' amendments filed July 23, 2004 obviate the all the issues raised in the last Office Action mailed March 31, 2004. The instant amendments cancel the inadvertent filing of drawings, which have no basis in the instant application. The amendments to the claims herein are made to make the claims read more clearly. Basis is found throughout the specification and original claims including at least page 1; page 4, lines 12 et seq; and page 10, lines 8 et seq..

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

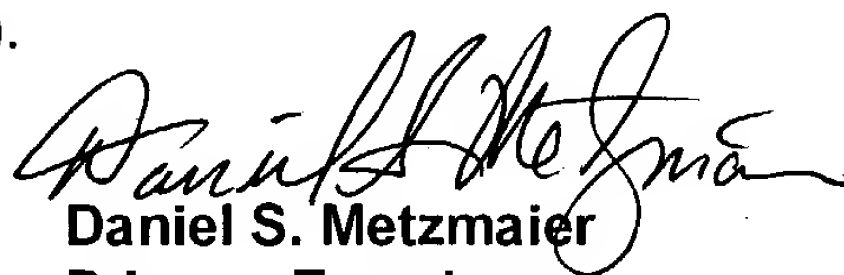
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Metzmaier whose telephone number is (703) 308-0451. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Daniel S. Metzmaier
Primary Examiner
Art Unit 1712

DSM